**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**FARAD CONTINUATION SHEET**
**SECOND APPEAL NO.505 OF 2006**

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| Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders. | Court's or Judge's orders |
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Mr.S.S.Patwardhan for the Appellant
Mr.A.B.Avhad for Respondent Nos.1-A to 1-C

**CORAM: A.S.OKA, J.**
**DATED: JULY 31, 2006.**

**P.C.:**

1. Heard the learned Counsel for the parties. The learned Advocate for the Appellant submitted that there was no compliance of requirement of notice as provided under section 106 of the Transfer of Properties Act, 1882. He submitted that the decree could not have been passed against the Appellant.

2. I have considered the submissions made by the Advocate for the Appellant. The courts below have recorded a concurrent finding of fact that notice of termination as contemplated by section 106 of the said Act has been duly served to the Appellant. It is an admitted position that the

provisions of the Bombay Rents, Hotel and Lodging Houses Rates (Control) Act, 1947 are not applicable to the suit premises.

3. In view of this position, the Trial Court passed a decree for possession which has been confirmed in Appeal. There is no substantial question of law. Appeal is dismissed with no order as to costs.

**Judge.**